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*Additional Counsel Listed in the Signature Block*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SVB FINANCIAL GROUP,

Plaintiff,

vs.

FEDERAL DEPOSIT INSURANCE  
CORPORATION AS RECEIVER FOR  
SILICON VALLEY BANK AND SILICON  
VALLEY BRIDGE BANK, N.A.

Defendants.

Case Number: 5:24-cv-01321-BLF

**MOTION FOR CASE MANAGEMENT  
CONFERENCE**

Judge: Hon. Beth Labson Freeman

***Request for Case Management Conference via Zoom.*** Pursuant to Federal Rule of Civil Procedure 16, N.D. Cal. Civil Local Rule 16-10(c), and this Court’s Standing Order III.B, Defendants Federal Deposit Insurance Corporation as Receiver for Silicon Valley Bank and Silicon Valley Bridge Bank, N.A. (collectively, “FDIC-Rs”), request that the Court schedule a case management conference via Zoom webinar on February 6, 2025, or February 13, 2025, or as soon thereafter as the Court may be available. The FDIC-Rs respectfully request this conference to discuss case management issues, including proposed modification of case management deadlines and expansion of the limitations on the number of depositions.

***Request filed as motion because Plaintiff did not agree to a stipulated request.*** The FDIC-Rs requested a case management conference on these dates by letter to lead counsel for Plaintiff SVB Financial Group (“SVBFG”) dated January 17, 2025. In repeated follow-up correspondence, SVBFG did not consent to this request. Therefore, the FDIC-Rs submit this scheduling request to the Court as a Motion.

***Issues to be addressed.*** The FDIC-Rs seek a case management conference so that the parties can present their respective positions on the pretrial schedule based upon the status of document discovery and the scope and number of depositions needed to litigate both SVBFG’s claims and the FDIC-Rs’ affirmative defenses. There are substantial document production issues remaining, including with respect to continuing negotiations over certain custodians and search terms, and the extent of document productions. To date, SVBFG has not produced a single document. With respect to depositions, there are a substantial number of depositions needed, particularly given the number of individuals whose conduct is directly at issue as identified in the FDIC-Rs’ affirmative defenses.

The FDIC-Rs intend to describe these positions in further detail in the joint case management statement required by this Court’s standing orders filed seven days in advance of the requested case management conference.

***Statement on Case Management Conference in Related Case.*** Last December, shortly after current counsel for SVBFG substituted into this case (Dkt. 114), SVBFG proposed a joint case management conference with the related case, *SVBFG v. FDIC in its Corporate Capacity*, No. 5:23-

1 cv-06543-BLF (“FDIC-C Case”), to be held on January 30, 2025. Counsel for the FDIC-Rs informed  
2 SVBFG’s counsel in that conversation in December, and on several subsequent occasions, that lead  
3 counsel for the FDIC-Rs were unavailable on January 30, 2025, for a case management conference  
4 due to other professional commitments, and suggested selecting an alternative date.

5 On January 15, 2025, SVBFG submitted an Unopposed Request for Case Management  
6 Conference on January 30, 2025, in the FDIC-C Case (FDIC-C Case Dkt. 119) and the Court granted  
7 the request (Dkt. 120).

8 On January 23, 2025, SVBFG filed a Joint Case Management Statement in the FDIC-C Case  
9 in which it proposes to adjust the schedule in this action against the FDIC-Rs (FDIC-C Case Dkt. 130,  
10 at 13-14). It was not until the FDIC-Rs received a copy of the filing that the FDIC-Rs had notice of  
11 SVBFG’s proposed changes to this case’s schedule that would attempt, without any legitimate  
12 justification, to shorten a previously negotiated and already very compressed schedule. *See id.*  
13 Specifically, SVBFG proposed, in its FDIC-C Case filing, a new case management schedule for its  
14 separate case against the FDIC-Rs and presumed that this case and the FDIC-C Case would be  
15 consolidated on that schedule.

16 SVBFG’s counsel is attempting to proceed at a hearing in *another case* to discuss with the  
17 Court changes that would affect the schedule *in this case* without the Defendants’ lead counsel being  
18 in attendance. The FDIC-C and the FDIC-Rs are distinct legal entities with separate counsel. The  
19 FDIC-Rs object to SVBFG’s unilateral attempt to proceed with a hearing in another matter that  
20 substantively impacts the FDIC-R case without FDIC-Rs’ lead counsel present.

21 ***Motion.*** For the foregoing reasons, the FDIC-Rs respectfully move the Court to set a case  
22 management conference in this case, and to direct Plaintiff that case management issues in this case  
23 should be addressed only in a status conference properly noticed in this case so that the FDIC-Rs’ lead  
24 counsel may be present.

1 DATED: January 29, 2025

2 Respectfully submitted,

3 /s/ Stephen Sorensen

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 29, 2025, I electronically filed the foregoing document using the CM/ECF system, which will send notification of such filing to all counsel of record registered in the CM/ECF system.

DATED: January 29, 2025

/s/ Stephen Sorensen  
Stephen Sorensen